

1 WRIGHT, FINLAY & ZAK, LLP

2 Robin Prema Wright, Esq., State Bar No. 150984

3 T. Robert Finlay, Esq., State Bar No. 167280

4 4665 MacArthur Court, Suite 280

5 Newport Beach, CA 92660 (*Costales/Pleadings/Notice of Motion to Dismiss Plaintiff's*

6 *Complaint*)

7 Tel. (949) 477-5050; Fax (949) 477-9200

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9 Attorneys for Defendant, SPECIALIZED LOAN SERVICING, LLC

10 (erroneously sued herein as SPECIALIZED LOAN SERVICES)

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 ESTRELLA COSTALES,

14 Plaintiff,

15 vs.

16 AMERICA'S SERVICING CO.,
17 LOAN CENTER OF CALIFORNIA,
18 INC., AND SPECIALIZED LOAN
19 SERVICES,

20 Defendants.

) Case No.: 08 CV 1079-L (JMA)

)
) **NOTICE OF MOTION AND**
) **MOTION OF DEFENDANT,**
) **SPECIALIZED LOAN SERVICING,**
) **LLC, TO DISMISS PLAINTIFF'S**
) **COMPLAINT PURSUANT TO**
) **F.R.C.P. 12(b)(6)**

) Date: October 14, 2008

) Time: 10:30 a.m.

) Dept.: 14

)
) *[Filed concurrently with Memorandum*
) *of Points and Authorities and Request*
) *for Judicial Notice]*

) Complaint Filed: June 18, 2008

25 **TO ALL PARTIES HEREIN AND THEIR COUNSEL OF RECORD,**
26 **IF ANY:**

27 NOTICE IS HEREBY GIVEN that on October 14, 2008, at 10:30 a.m., or as
28 soon thereafter as the matter may be heard in the Courtroom 14 of the United

1 District Court for the Southern District of California, located at 880 Front Street,
2 #4290, San Diego, California, 92101, Defendant SPECIALIZED LOAN
3 SERVICING, LLC (erroneously sued herein as SPECIALIZED LOAN
4 SERVICES), (hereinafter "SLS"), will and hereby does move the court pursuant to
5 *Fed. Rules of Civ. Proc.* 12(b)(6) for an order dismissing all claims for relief
6 against it in the Complaint of Plaintiff ESTRELLA COSTALES ("Plaintiff" or
7 "Costales").

8 This motion is based on this Notice, the Memorandum of Points and
9 Authorities and Request for Judicial Notice filed and served concurrently herewith,
10 and on any other materials on file as the court may consider at the time of hearing
11 on this motion.

12 Respectfully submitted,

13 WRIGHT, FINLAY & ZAK, LLP
14 

15 Dated: July 21, 2008.

16 By: _____

17 Robin Prema Wright, Esq.
18 T. Robert Finlay, Esq.,
19 Attorneys for Defendant SPECIALIZED
20 LOAN SERVICING, LLC (erroneously
21 sued herein as SPECIALIZED LOAN
22 SERVICES)
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PROOF OF SERVICE

I, Nancy C. Wheeler, declare as follows: I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 4665 MacArthur Court, Suite 280, Newport Beach, California 92660. I am readily familiar with the practices of Wright, Finlay & Zak, LLP, for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited with the United States Postal Service the same day in the ordinary course of business.

On July 22, 2008, I served the within, **NOTICE OF MOTION AND MOTION OF DEFENDANT, SPECIALIZED LOAN SERVICING, LLC, TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO F.R.C.P. 12(b)(6)** on all interested parties in this action as follows:

☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE SERVICE LIST

☒ (BY MAIL SERVICE) I placed such envelope(s) for collection to be mailed on this date following ordinary business practices.

☐ (BY FACSIMILE) The facsimile machine I used, with telephone no. (949) 477-9200, complied with California Rules of Court, Rule 2003, and no error was reported by the machine.

☐ By Personal Service, by delivering same to First Legal Support Services for personal service

☒ (BY FEDERAL EXPRESS - NEXT DAY DELIVERY) I placed true and correct copies of thereof enclosed in a package designated by Federal Express with the delivery fees provided for.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 22, 2008, at Newport Beach, California.


Nancy C. Wheeler

SERVICE LIST

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